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y	Application Number	10/699,515	
TRANSMITTAL	Filing Date	10/31/2003	
FORM	First Named Inventor	Asghar Khaghani	
(to be used for all correspondence after initial filing)	Group Art Unit		
	Examiner Name		

Total Number of Page	s in This Submission		Attorn	ey Docket Number	7978
ENCLOSURES (check all that apply)					
Fee Transmittal F	Fee Transmittal Form  Assignment Papers (for an Application)			After Allowance Communication to Group	
Fee Attached	ı	☐ Drawing	g(s)		Appeal Communication to Board of Appeals and Interferences
Amendment / Re	sponse	Licensia	ng-relate	d Papers	Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
After Final		Petition			☐ Proprietary Information
☐ Affidavits/dec	claration(s)		to Conv onal App		Status Letter
Extension of Time	e Request	Power of Attorney, Revocation Change of Correspondence Address			Other Enclosure(s) (please identify below):
Express Abandonment Request		☐ Terminal Disclaimer ☐ Request for Refund			Transmittal of Information Disclosure Statement Within Three Months of Filing or before
Information Disclosure Statement		CD, Number of CD(s)		CD(s)	Mailing Date of First Office Action Form PTO/SB/08A
Certified Copy of Priority Document(s)		Remar	ks		,
Response to Miss Incomplete Applie					
Response to Parts under 3 1.52 or 1.53					
	SIGNAT	TURE OF A	PPLIC	ANT, ATTORNEY, O	R AGENT
Firm or Individual name Leslie S. Miller Reinhart Boerner Van Deuren s.c.					
Signature	Signature Sui S. M.M.				
Date	July 1, 2004				
CERTIFICATE OF MAILING					

Typed or printed name Leslie S. Miller Signature Date July 1, 2004 Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O.

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Reinhart Boerner Van Deuren S.C.

By: A. Miller
Leslie S. Miller

Date: July 1, 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: UNKNOWN

**EXAMINER: UNKNOWN** 

In re application of: Asghar Khaghani	) ) )
Application No: 10/699,515	) For: VALVE PROSTHESIS
Filed: October 31, 2003	)
Attorney Docket No. 7978	) )
	,

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

July 1, 2004

## TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 CFR 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification

containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41."

37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the International preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

## IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

- NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing.
- NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-inpart) so three months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).
- NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirement (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Dated: July 1, 2004 Reg. No. 30,662

Tel. No.: (414) 298-8321

SIGNATURE OF ATTORNEY

Leslie S. Miller

Reinhart Boerner Van Deuren, s.c.

(P.O. Address)

1000 North Water Street, Suite 2100 Attn: Linda Gabriel. Docket Clerk

Milwaukee, WI 53202

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PTO/SB/08A (10-01)

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet of 1

Complete if Known				
Application Number	10/699,515			
Filing Date	10/31/2003			
First Named Inventor	Asghar Khaghani			
Group Art Unit				
Examiner Name		·		
Attorney Docket Number	7978			

	U.S. PATENT DOCUMENTS				
Examiner Initials *	Cite No.1	Document Number  Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevan Passages or Relevant Figures Appear
		US- 4,501,030	02/26/1985	Lane	
		US- 5,713,953	02/03/1998	Curcio et al.	
		US- 6,171,335	01/09/2001	Wheatley et al.	
		US- 6,364,905	04/02/2002	Casagrande et al.	
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	FOREIGN PATENT DOCUMENTS					
Examiner Cite		Foreign Patent Document	Dublication	Name of Patentee or	Pages, Columns, Lines, Where Relevant	
Initials*	No.1	Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)	Publication Date  MM-DD-YYYY  Applicant of Cited Document		Passages or Relevant Figures Appear	T <sup>6</sup>
		WO 0126703	04/19/2001	Intl. Heart Instit. of Montana		

Examiner Signature	Date Considered	

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional) . <sup>2</sup> See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.